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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RENEE HOWARD, individually and as
parent of I.H., a minor, wrongful death heirs
of the deceased, TIMOTHY HOWARD,

Plaintiffs,

vs.

T-BROTHERS LOGISTICS, L.L.C., a South
Dakota corporation; T-BROTHERS
TRUCKING, L.L.C, a South Dakota
corporation; RUSH TRUCK CENTERS OF
NEVADA, INC., a Delaware Corporation,

Defendants.

CASE NO: 2:23-cv-01570-JAD DJA

T-BROTHERS LOGISTICS, L.L.C. a South
Dakota corporation; T-BROTHERS
TRUCKING, L.L.C, a South Dakota
corporation,

Third Party Plaintiffs

vs.

RND ENTERPRISES, INC., a South Dakota
corporation.

Third Party Defendant.

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(THIRD REQUEST)**

Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend discovery in the above-captioned case by ~~ninety (90)~~ **sixty (60)** days. In addition, the parties request that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be extended pursuant to Local Rule.

SUMMARY

The Amended Complaint alleges the wrongful death of Timoth Howard. The Plaintiffs allege that Timothy Howard, while riding on his motorcycle to work, was decapitated as a result of running into the back of a parked trailer. Plaintiffs allege the trailer was parked illegally in front of defendant Rush's business facility where the deceased worked. Rush is a semi tractor trailer sales and repair facility in North Las Vegas. Plaintiffs alleged that an employee of Rush instructed a driver from T Brothers Trucking and or T Brothers Logistics to park the trailer out front of the Rush facility, which was designated as a no parking zone.

The defendants each deny liability. Defendants also allege that the Plaintiffs are barred from recovery because the deceased, Timothy Howard, was comparatively at fault for the accident and that the comparative negligence exceeds any negligence on the part of the defendants, if any. T Brothers Logistics and T Brothers Trucking brought in RND Enterprises as a third-party defendant. RND Enterprises also denies all liability.

PROCEDURAL HISTORY

In support of this Stipulation and Order, the parties state as follows:

1. On October 11, 2023, Plaintiff filed her Complaint in the United States District Court, District of Nevada.
2. On November 27, 2023, Defendant/Third Party Plaintiff T-Brothers Trucking, L.L.C. filed its Answer and Third-Party Complaint.
3. On November 28, 2023, Defendant Rush Truck Centers of Nevada, Inc. filed its Answer.
4. On January 5, 2024, Plaintiff served Initial FRCP 26 Disclosures.
5. On January 9, 2024, Defendants/Third Party Plaintiffs T-Brothers Logistics, L.L.C. and T-Brothers Trucking L.L.C. served their Initial FRCP 26 Disclosures.
6. On January 17, 2024, Defendant Rush Truck Centers of Nevada, Inc. served its Initial FRCP 26.1 Disclosures.

- 1 7. On January 24, 2024, the Court entered the Discovery Plan and Scheduling Order.
- 2 8. On February 28, 2024, Plaintiff propounded written discovery requests on Rush
- 3 Truck Centers of Nevada, Inc., T-Brothers Logistics, L.L.C., and T-Brothers
- 4 Trucking, L.L.C, each individually.
- 5 9. On April 2, 2024, Plaintiff served her First Supplement to Initial Disclosures.
- 6 10. On April 19, 2024, Plaintiff served her Second Supplement to Initial Disclosures.
- 7 11. On May 1, 2024, Third-Party Defendant RND Enterprises, Inc. filed its Answer to
- 8 Defendants/Third Party Plaintiffs T-Brothers Logistics, L.L.C. and T-Brothers
- 9 Trucking L.L.C.'s Third Party Complaint.
- 10 12. On June 24, 2024, Plaintiff served her Third Supplement to Initial Disclosures.
- 11 13. On June 25, 2024, Plaintiff served her Fourth Supplement to Initial Disclosures.
- 12 14. On June 26, 2024, Plaintiff served her Answers to T-Brothers' Interrogatories.
- 13 15. On June 26, 2024, Plaintiff, Renee Howard, as Parent of IH a Minor, served her
- 14 Answers to Interrogatories.
- 15 16. On June 26, 2024, Plaintiff served her Response to T-Brothers' Requests for
- 16 Production.
- 17 17. On July 1, 2024, Defendant Rush Truck Centers served their Responses to
- 18 Plaintiff's First Set of Interrogatories.
- 19 18. On July 1, 2024, Defendant Rush Truck Centers served their Responses to
- 20 Plaintiff's First Set of Requests for Production.
- 21 19. On July 29, 2024, Third-Party Defendant RND served its First Set of Interrogatories
- 22 to Defendant Rush Truck Centers.
- 23 20. On July 29, 2024, Third-Party Defendant RND served its First Set of Requests for
- 24 Production to Defendant Rush Truck Centers.
- 25 21. On July 29, 2024, Third-Party Defendant RND served its First Set of Interrogatories
- 26 to Defendant T-Brothers.
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22. On July 29, 2024, Third-Party Defendant RND served its First Set of Requests for Production on Defendant T-Brothers.
23. On November 13, 2024 Plaintiffs took the deposition of the PMK of Defendant Rush Truck Centers of Nevada.
24. On November 13, 2024 Plaintiffs took the deposition of Mark Chowaniec, General Manager of Defendant Rush Truck Centers of Nevada.
25. On December 9, 2024 Plaintiffs have scheduled the deposition of the PMK of Defendant T Brothers.
26. As a result of the November 13, 2024 PMK Deposition of Rush Truck Centers of Nevada, there will be follow-up Rush employee depositions.

DISCOVERY REMAINING

1. Defendants/Third-Party Plaintiffs T-Brothers Logistics, L.L.C. and T-Brothers Trucking L.L.C will serve written discovery.
3. Defendant Rush Truck Centers of Nevada, Inc. will serve written discovery.
4. All parties will respond to written discovery that has been propounded upon them.
5. The Defendants will take the deposition of Plaintiff Rene Howard.
6. Plaintiff will depose the Defendants'/Third-Party Defendant's Rule 30(b)(6) designee(s), serve additional written discovery requests, and identify appropriate experts.
7. Defendants will collect any and all relevant medical and/or mental health records and/or billing related to the allegations contained in Plaintiff's Complaint.
8. Defendants/Third Party Defendant may depose Plaintiff's medical and/or mental health providers once able to collect any and all relevant medical and/or mental health records and billing.
9. The parties may depose any and all other witnesses identified through discovery.

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2 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

3 The parties aver, pursuant to Local Rule 26-3, that good cause exists for the requested
4 extension. This Request for an extension of time is not sought for to delay the proceedings or for
5 any improper purpose.

6 The parties have conducted extensive discovery on this case Plaintiffs' counsel has taken
7 the deposition of the PMK of Rush Truck Centers of Nevada, the deposition of the General
8 Manager of Rush Truck Centers of Nevada, has scheduled the deposition of the PMK of T Brothers
9 Trucking for December 9, 2024, and anticipates probably four or five more liability depositions of
10 percipient witnesses. Due to the severity of the subject incident, the materials and plethora of
11 information and documents involved with this matter, and the timing of all named parties making
12 their appearance in this matter, it is necessary for an extension of the discovery deadlines in order
13 to allow each party a fair and just opportunity to obtain the information, analyze the information,
14 and obtain experts as may be necessary in order to properly prosecute or defend this matter.
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16 For those reasons, the parties respectfully request an extension of the discovery deadlines
17 in this matter.

18 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs
19 modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion
20 to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-
21 one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.

22 This is the ~~second~~^{third} request for extension of time in this matter. The parties respectfully
23 submit that the reasons set forth above constitute compelling reasons and good cause for the
24 extension. The following is a list of the current discovery deadlines and the parties' proposed
25 extended deadlines:

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<u>Scheduled Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Discovery Cut-off	April 3, 2025	June 3, 2025
Deadline to Amend Pleadings or Add Parties	January 3, 2025	March 3, 2025
Expert Disclosure pursuant to FRCP 26	February 6, 2025	April 7, 2025
Rebuttal Disclosure pursuant to FRCP 26(a)(2)	March 3, 2025	May 7, 2025
Dispositive Motions	April 30, 2025	June 30, 2025
Joint Pretrial Order	June 5, 2025	July 15, 2025 If dispositive motions are pending, the parties will submit their Joint Pretrial Order within thirty (30) days of the Court's order as to any dispositive motions.

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WHEREFORE, the parties respectfully request this Court extend the discovery period by sixty (60) days from the current deadline of April 3, 2025, up to and including June 3, 2025, and extend the other dates as outlined in accordance with the table above.

IT IS SO STIPULATED.

DATED the ____ day of December, 2024.

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RND ENTERPRISES, INC.

ORDER

IT IS SO ORDERED.

DATED this 11th day of December, 2024.

UNITED STATES MAGISTRATE JUDGE